IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1486 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/08/2004 in WP NO : 14007 OF 2004 on the file of the High Court.)

Between:

The Karimnagar Education Society, Karimnagar,

Registered No.864 of 1984, represented by its President
Gourisetti Thirupathi, s/o Venkataiah, office at Door No.3-7-619, Jagtial Road, Karimnagar.

..... APPELLANT

AND

1 The District Registrar, Registration & Stamps, Karimnagar.
2 The Joint Sub Registrar, Registration & Stamps, Karimnagar.
3 Marella Narayan Reddy, s/o Venkat Reddy,
r/o Irukulla (V), Karimnagar (M) & District.

..RESPONDENTS

Counsel for the Appellant: MR.C.RAMESH SAGAR

Counsel for the Respondent No.: GP FOR REVENUE for R1 and R2

Counsel for the Respondent No.3:

The Court made the following :

ORDER: (Per Sri BRSR.J)

The learned Single Judge, in our considered opinion did not commit any error whatsoever in dismissing the writ petition filed by the appellant herein.

The gift deed that was executed by the 3rd respondent herein in favour of the appellant was cancelled through cancellation deed No.8177 dated 2.8.1998. It is that action of the registering authority, which is challenged in the writ petition by the appellant herein.

It was contended before the learned single Judge as well as before us that the registering authority did not issue any notice before registering the cancellation deed. The registering authority ought not to have registered the cancellation deed which results in infringement of the rights derived by the appellant under the gift deed earlier executed in his favour by the 3rd respondent.

The short question that falls for consideration is whether the registering authority is duty bound to make any enquiry as such before registering the deeds of cancellation. The learned counsel for the appellant very fairly stated before us that there is no provision, which enables or obligates the registering authority to make any such enquiry before registering the cancellation deed. In such view of the matter, in our considered opinion, the public law remedy invoked by the appellant herein is ill suited to resolve the controversy between the appellant and the 3rd respondent. The dispute essentially is between the appellant and the 3rd respondent. The 3rd respondent having executed the gift deed appears to have cancelled the document and according to the appellant, without any reason or justification. That dispute lies essentially in the realm of private law, which is required to be adjudicated only in a common law proceeding.

It is not as if the appellant is left without any remedy. He is always entitled to seek

proper declaration under Section 34 of the Specific Relief Act as has been rightly observed by the learned single Judge. We accordingly find no merit in the appeal and the same shall accordingly stand dismissed.

However, this order shall not preclude the appellant from availing such remedies as may be available to him in law in which event the matter shall be decided on its own merits uninfluenced by the observations, if any, made in this order.

(B.SUDERSHAN REDDY,J)

Dated: 11..10..2004

(K.C.BHANU,J)

msv.

To

1 The District Registrar, Registration & Stamps, Karimnagar.

2 The Joint Sub Registrar, Registration & Stamps, Karimnagar.

3. 2 CCs to G.P for Revenue, High Court of A.P.Hyderabad (OUT)

4. 2 CD copies.